[illegible]

Previous reference.

1929.
(Misc 2)

File No. 442

Serial Nos. 1–6

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for June 21

SUBJECT.

Alienation of certain inam land from Sri Adeswaraswami Temple at Sanjige Gubbi Taluk

---

DC Tumkur, Comptr, Misc Supt
No 4534-6 Dy 22 6.21.

Passing orders re

WD 2233—GPE—20,000—1d-6 20

G. R. S. III-1]

1919.

GENERAL AND REVENUE SECRETARIAT

(Inwards

NOTES.

File No. 442 / 1919

FILE HEADING.

Alienation of certain inam lands from Sri Adesvara Swami temple at Sampige, Sulliya taluk.

From

The Dy. Commr., Kanara Dist.,

No. 22 Dated 26-1-20 Received

Diary No. 1004 Enclos. 1 in 2c Spare Copies. — [Serial No. 1

BRIEF ABSTRACT OF LETTER.

... Recommends for reasons stated, the ... resumption of the said lands, and their ... restoration to the inam

NOTES AND ORDERS.

The Dy. Commrs. report explains the facts of the case. The taluk records are not complete

2 Submit with a D/F enquiring

12.2.20 BB

3 The case may be dealt with on the Rep[ort]

NOTES—First Sheet.

G. R. S. III-2]

General and Revenue Secretariat. | Mar File No. 442 of 1919

Serial No

of 17th Nov 1877. Ans-
Sec-14. of Mad 2-Regs provides
otherwise.
4. The discrepancy
between the two provisions
of the law has to be
cleared - I understand
that the question
is under consideration
in connection with the
Amendment of the Mad
Regs -
(Sd) 19/2/20
(20 Secy)

The Govt proceed
as proposed may be made
Sd/24/2/20
Asst 21.2

So may the Dept Engrs
approved by the Rec? issue?
Sd
21-2-20
Asst 23.2

NOTE—Contn sheet.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 442 of 1919

Serial No. 2.

To, Dy. Comm. Jaffna Kachcheri.

No. 2853 D. 11 3 20.

Reports & Submits Police Records connected with the Case together with certain documents called upon by the Alience Yarudachan from the Dy. Commr. Jaffna.

Letter rec — Dy to Submit Police Records &c

Called for a report from the Alience Yarudachan, one of the Aliences who was so called upon to produce the documents on which his claim to hold the Temple inam lands is based, has stated that there is no reason why he should produce copies of documents at a heavy cost, that the hypothecation deed was filed in the Civil Court, that the sale certificate was presented in the Police Court in 1886, that the Records of these have been destroyed, that the cost of preparation of these documents if available, should be a charge from his shares and that no action against him, or fine on

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 19

Serial No.

These documents and sense them. He further reports that inam shos 52 and 64, in the khata of Adimana temple, are in the hands of — Gundachar and Pilla Samaiyya from whom only the jodi amount together with the usual excess is being removed.

It is not known whether the subject of alienation was came up for enquiry at the time of the inam settlement, and if so, how it was disposed of.

11. A off. calling for the inam register, is submitted for appl or other orders.

20/1/21

4. To, Inam Supdt in Mysore

No. 2718 dy 9 2 1921.

Request to send copies of the connected Inam-Regr. extracts

Shos. — In re, the Inam [illegible]

Letter no. 730 dy 12. 2. 1921.

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 1.1.2 of 19

Serial No.

[illegible] Para
registers pertaining to the Jaffna
Cancy. The Basti Devaru

12/ It is seen from the Jaffna registers that the lands are noted as Devadana and are intended for the worship of Basti Devar in Sampige Village. It is also noted that "the Pagoda is in good order and the worship rendered".

Submitted
M 21.3.21. BG 21/3/21

4 "
4 as Basti Devar"
the same as "Adesuara"
U 22/3/21

5. Please talk unto Ven Ramdorai.
22/3/21

6/ It is seen from the records that Basti Devaru is the same as "Adesuara".

Submitted.
M 24.3.21. BG 24/3/21
26/3/21

NOTE—Contn sheet.

Rosery)

G. R. S. III-2]

General and Revenue Secretariat.

Inam File No. 462 of 1925

Serial No.

H. E.

(18) What is there to show that S. Nos. 2 & 64 are the lands referred to in the Inam Register?

28/3/21

Reply required to serial no 79 of Inam Register

cf. Rd S. Nos & Rem Nos

28/3/21

Weir)

(20) The following two S. Nos are Inams enclosed in the temple of Adeswara alias Bashi Devaru in the Kampli Village, Hubli Taluk:—

	A. Gunta	Assessment	Jodi
(1) S. No 52.	0.18	3.8.0	1.7.0
(2) do 64.	0.17	2-12-0	1-3-0,

(21) The Inam being for the worship of, ~~Devaru~~ the said Bashi Devaru. But these are not in the enjoyment of the temple now. One Gavuda Chari is in enjoyment of S. No 52 and he states that he has been in possession

NOTE—Contn. sheet.

Serial No.

June 1883, Nanu purchased at an Court Sale in Execution of a decree obtained by him on a deed executed by Nthagunga in 1870 for safekeeping his land - Clearly therefore his possession Commenced Subsequent to 1853.

The other Land reg. No. 1164 was stated by the Dy Commr in his letter dated 26-11-1920 to be in the possession of one Thungwa Sele and that he stated that his father had purchased it, but he did not know when or for what price - There Can be no doubt that this Execution Could not have been made before 1853 for had such an alienation been effected the alienee would have appeared before the Native Settlement Officer in 1870 and asserted his Claim, but the Register shows that no such Claim was advanced. The alienation must therefore have been made Subsequent to 1870 and it might be pointed out that the Native Register in possession also does not state that it was made [illegible]

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

File No. 442 of 19 19

Serial No.

23, These Devadya Lands which are held in the occupancy of the people, have been alienated long after the 1853 [illegible] that be resumed under the Chief Commissioner's Order dated 17 November 1877 (Page 70 of the Land Manual) after the issue of a notice under Clause B. of Rule II thereof. The Inamdar of See 14 of the Inam Abolition Act has however also the right of occupation of a cultivator for a period of 12 years, that he deprived of such possession which has affected to render the occupancy although a tenancy liable to be held. & he if no legal validity, since is therefore, the right resumed & the order of 87 being Carried out Second Member) 2C 7/4/24

25, I agree if appeal from the D.C. Commissioner that Inamdar is in possession of 64 the Settlement of the Shahabad Taluka

NOTE—Contn. sheet.

General and Revenue Secretariat. | File No. 1112 of 19 24

Serial No.

30. G. 1920 is to the effect that Pitchusamia and Raja Malia are now in possession, having obtained it from Thyumma Sah. Their possession is therefore more recent than that of Thumma and could not possibly date back to any period anterior to 1853.

2. The aforesaid Inams must therefore be resumed after the issue of the usual notice in favour of

Remarks: Rev Sec. VJ 21/4/24

27. As suggested in para 23 above the Inam lands are to be resumed and restored to the institution under the Chief Commr's Notn of 1877. But it is a point for orders whether in virtue of the long possession & enjoyment of the lands by the present Amirthavana dars the ~~assd~~ owners may not be left undisturbed on the lands being ~~assd~~ paid an amount equal to the assessment

NOTE—Contn. sheet.

G.—R. S. III-2]

General and Revenue Secretariat.

Mys File No. 442 of 19 19.

10403 (Revt

Serial No.

cash grant to the temple as recommended by the Rev. Comr. recently ~~ordered~~ in a seperate file (Devadayam land in the possession of Mr Sivappa of chikballapur, originally endowed to Sri Ranganatha Swami temple).

28 Perhaps the Rev. Comr may also be consulted in this matter. Subd for orders.

by 22.6.21 30 If only a cash grant equal to the assessment is fixed to be paid by the Amildaredars, the temple which is entitled to get the full rent in kind or its Value will have to forgo much of its proper income, and so the Amildaredars who will be left unmolested now may be asked to pay hereafter the assessment as rent If approved this aspect of the question may be considered -

[illegible]?

TVI 25.4.21.

DJ (by Rev-Sec) 27.6.21

32 I have stated

29 X. LR 18-20-16. R. No. 6391 The file has been sent to the Mys Govt for opinion before final orders. ~~as stated~~. The advisability of repealing either of the Regn of 1877 or the Sect 14 of Mys Regn has been discussed in detail in that file.

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat.

File No. 4492 of 19 49

Serial No.

My Views in My notes dated 4 April and 24 April 1921

33

accept the suggestion of the Rev Secretary that the absence of the Landlords from whose alleged of encroached lands which have been illegally encroached, subject to the conclusion of their appeal, double the survey Assessment for the law on the subject is that in the case of alienations made subsequent to 31st January 1853 a notice will be issued to the alienee & alienees requiring him or them to restore the lands to the proprietors to which they belonged within six months from the date on which the notice is served on the alienee or alienees - and on default of Compliance, the lands will be summarily resumed, and restored to the unpleased by the Revenue authorities under instructions from the Govt in accordance" And this is the course which has been adopted in the following four orders

(1) 1874-6-May 76-94 dated 16-3-03

NOTE—Contn. sheet

G. R. S. III-21

General and Revenue Secretariat.

Mug File No. 1102 of 19 24.

Serial No.

B/
C1
D/

(2) 1894-6 - Mug I 7-98 dated 18 March 903
(3) 1911-2 dated 18 March 903
(4) 4505-507 - Mug 798-18-6 dated 29 June 920
and in Various other Cases

Jay If the aliences are allowed to remain in possession on the Condition of paying double the Assessment, it would be an Order inconsistent with the Chief Commrs Note and would become a very inconvenient and undesirable precedent.
First Member 21/1/24

6409-33
1-6-24.

It seems to me that, in view of the difference between the terms of the C.Co. Circular of 1877 & of the Bengal Regulation & the opinion Expressed by the Rev. Secty., it will be an [illegible] of Commrs, of, in such cases, a regularised is obtained from the unauthorised alienee but he is allowed to continue in possession as an ordinary lessee under a specific Muchalika. in which power is reserved to increase the amount of the lease. if need be. at the end of every six years

NOTE—Contn. sheet.

WD 1238—GPB—60 000—1 12-16—S 5

G. R. S. III-2]

General and Revenue Secretariat. | File No. 462 of 1919

Serial No.

As I have observed in another connection it would be a harsh step to take to suddenly resume such lands. Tho it may be perfectly justifiable from a strictly legal point of view yet it seems to me that the equities of the case require also to be considered.

Rees
3.6.21

N. B.

The disagreement between the Collector & the Commissioner in Rep[ublic]a on this point is very embarrassing & it seems to me that steps should be taken to effect a reconciliation between the two. This question may be worked up now separately.

Rees
3.6.21

Draft. G.O. for the Govt approval
6.6.21. After which a clean copy will be put up for
7.6.21

Clean copy for signature
8.6.21.

Govt Member)

9-6-21

NOTE—Contn. sheet

P.T.O.

AD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

Jmy. File No. 442 of 1919.

65-72-186
9.6.1921.

Serial No.

Draft approved
Reed.
10.6.21

Issue
U/f 11/6/21

6 To, A.C. Tamekar, Comptr & Jmy. Supdt
No. 4534-6 dy. 2[illegible]

Directs that the aliences be allowed to continue in possession of the devadaya lands in question provided they agree to give the temple such annual rent as may be fixed by the D.C. & provided further that it is distinctly understood that it is open to Govt. to revise the amt. of the lease, if need be at the end of every 5 yrs.

NOTE—Contn. sheet.

1424

1919-20

Muz

442-19

1

19426 1919-20.

From

The Offg: Deputy Commissioner,
Tumkur District, TUMKUR.

To

The Joint Secretary to the Govern-
ment of H.H. the Maharaja of -
Mysore (Muzrai Department),
BANGALORE.

Dated Tumkur, the 26th January 1920.

Despatched

Received 3 JAN 1920 AM

General No. Muz C 22/17-18
No.

Enclosure No. one file

Re. the alienation of certain Devadaya Inam Lands granted to Sri Adesvaraswamy at Sampige.

******

Office of the Deputy Commissioner,

Tumkur District,

Dated Tumkur, the 26th January 1920.

From

Ananda Rao Sirsi, Esquire, B.A., LD.B.,

Offg: Deputy Commissioner,

Tumkur District, T U M K U R.

To

T.E.Jayarama Iyer, Esquire, B.A., B.L.,

Joint Secretary to the Government of His Highness the Maharaja

of Mysore (Muzrai Department), B A N G A L O R E.

Sir,

I have the honour to forward herewith a record ending with the Gubbi Sub Division Officer's A.C.R.G.980. dated 22nd December 1919 relating to the alienation of the marginally noted Devadaya Inams in Sampige -- Village, Gubbi Taluk, granted for the puja of the Sri - Adesvaraswami at Sampige.

Survey No.	Extent. A.	G.	Assessment. Rs.As.P.	Jodi. Rs.As.P.
(1) 52	0	18	3- 8- 0	1- 7- 0
(2) 64	0	17	2-12- 0	1- 3- 0

2. Survey No.52 is in the possession of Garudachar who says that it was mypothicated to his - brother Narasimhachar by Achamma|kom, Honnasuriah in 1876 for Rs.280-0-0. He further says that he filed a civil suit No.263 of.1881 in the Turuvekere Munsiff's Court for the recovery of the amount and got a decree on 26th November 1881. He further alleges that he purchased it in the execution proceedings and got possession on 20th August 1883 through the Court. He also alleges that he produced the sale certificate with his apolication - for tansfer of patte in 1886 and that the same has not been returned to him. He has not produced any documents in support of his allegations and the Amildar Gubbi Taluk reports that there is no dakhala in the Records. Full assessment is being levied since 1889-90, the reason where-of is not - forthcoming. The previous records are neither traced nor traceable.

3. Survey No.64 is in the possession of Thimmasetty who says that it was purchased by his father from Sampige Hanumiah. He is ignorant of the date of sale as well as the amount of consideration, and has not pro-

produced the sale deed. Full assessment is being recovered on this also since 1889-90. The order for levy of full assessment is not traceable.

4. The Sub Division Officer Gubbi recommended that a notice might be issued to the alienees to produce title deeds within a month, failing which the alienations might be treated as having been made subsequent to 1853 and the Inam lands resumed to be restored to the institution. It is apparent from the records that several notices have been issued to the persons in possession but they have not produced their title deeds to show as to how and when they came into possession of the properties. As the lands are Devadaya Inam, and the persons in possession allege that they are the purchasers thereof, the principle of "Caveat Emptor" is applicable to them. Since they have not made out that they came into possession of the properties before 1853, and as the lands are inalienable, I recommend that they be dispossessed and the 2 Survey Numbers resumed and handed over to the institution to which they belong.

I have the honour to be,

Sir,

Your most obedient servant,

Assistant Commr.
for Offg: Deputy Commissioner,
Tumkur District.

(a Cesen from Station)

RCS

G. R. S. VI—G/32] 21

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,
( )
, *the* 191 .

Date of issue 11.3.20

Signed by..... Mr. A Muthucumaraswamy Esqr.

Section Jaffna
File No. G 42-9
Serial No. 2

No. 2853 Encl one file

To

The Dy Comm^r,
Jaffna Dist^t,

Sir,

Adverting to your letter No. 22 of 26th January 1920 recommending the resumption of 2 inam lots alienated from Sri Weerama Swami Temple at Sampiel Village in the Jaffna Talk, I am directed to request that you will be so good as to furnish the

over.

Taluk records which may throw
light on the authority directing
the levy of such assessment
on these lands Copies of the
hypothecation deed, Civil Court
decree and other documents
relied upon by the alienee
Sanadachar may be obtained
from him and mutch fr. rep.
(2) the records are herewith
returned for rep. & re-turn.

I have etc.
[illegible]
Dy Collr Salary
Thrs-Dt
24
12/1/20

List of enclosure

Copied by

Examined by

WD 86—GPB—60,000—15 11 16

19[illegible]

From [illegible]

To [illegible]

Dated [illegible]

Despatched 14.12.20

Received

General No. Secy C. 22/17.18

No.

Enclosure No. One file

[illegible]

Mugc 22/17·18 Encl 5

L. 12. 20.

GEN & REV. SEC.
Received
11 DEC 1920

Office of the Deputy Commissioner
Mhow Division,
Dated Mhow, the 17th December 1920

442-19
3

AV
18/12

B

[illegible]

G. R. S. 26]

File No. 44 2 19

Serial No. 4

Diary No. of letter replied to .....

No.

General and Revenue Secretariat

( )

, *the* 191 .

To

The Deputy Superintendent

in Mysore.

Date of issue .....

Sir,

Signed by.....

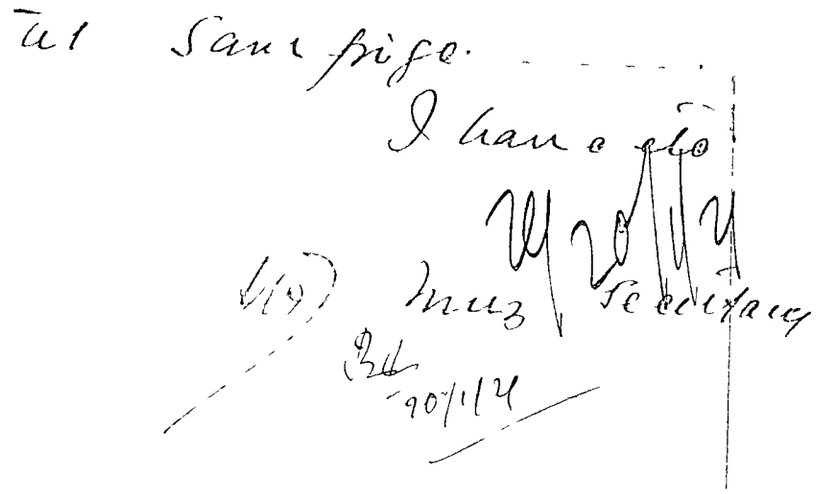
I am directed to request that you will be so good as to send up for orders the detailed information pertaining to the extent of the marginally noted Cowle in certain villages, Jubli Taluka, of Dharwar District, for the benefit of Sri Adhoni

over.

S. No.	extent	assessment
52	0-18	R. A. P. 3-6-0
65		2-12-0

1892: R. A. P. 1-7-0 1-3-0

SUBJECT.



List of enclosures

Copied by

Examined by

GPB—20,000—10-10-14

89

Office of the Superintendent,
Mysore Revenue Survey,
Bangalore, dated 12th March 1921.

No. 220 Encl

From

D.K. Darashah, Esq., B.A.,
Superintendent of Revenue Survey and
Settlements in Mysore.

14 MAR 1921

To

66738

T.E. Jayarama Iyer, Esq., B.A., B.L.,
Secretary to the Government of H.H.
the Maharaja of Mysore,
Muzrai Department.

Sir,

As requested in your letter No.2/18/Muz.J 2-19-4 dated 9th February 1921, I have the honour to forward herewith a copy of the Inam Register pertaining to the grant of lands in Sampige village, Gubbi Taluk as Devadaya Inam for the benefit of Basti Devaru temple at Sampige. In the letter, under reference, the name of the Devaru is entered as "Sri Adeswara Swami", but in the quit rent register the S. Nos in question, are shown as belonging to " Sri Basti Devaru".

I have the honour to be,
Sir,
Your most obedient servant,

Superintendent.

LENGTH OF POSSESSION	
Abstract of the orders already issued by the Commissioner or the Superintendent of the Division on lapses regarding validity or excess of the Inam. Assistant's opinion and recommendation	Review by the Special Assistant and confirmation by the Inam Commissioner
19.	20
The tree tax is recommended to be abolished and the land confirmed as Inam on a Jodi of Rs 4-1-0 so long as the Institution is in good order and well maintained. (Sd) B. Gopalaiah 8.12.70 Sd: Asst.	Confirmed Subject to a quit rent of Rs 4-1-0 (Sd) D. Clark Inam Comr Dec 21. 70

"Copy"

Superintendent of
Rev Survey & Settlement
in Mysore

Register sheet No. 182

Taluk Gudhi

Sammat

Village

Register of Inams in the village of Sampige

CLASS, EXTENT AND VALUE OF INAM

Number of case or entire holding under one grant in this village	General class to which the Inam belongs	Survey No and name of field or fields comprised in the grant Dry, wet or garden	Extent	
			Local measure. Even where the local measure is in acres, guntas and annas, it is to be entered in this column	Measure in acres and their fractions in decimals
1	2	3	4	5
12	Devadaya Bagayet as per 1849	Nos. 2, 26, 36	0 – 13 – 0	1·41

Sammat of in the Taluk of

		DESCRIPTION, TENURE AND	
Old assessment	Survey assessment	Description of Inam If for service, it is to be stated whether the service is continued If for tanks, buildings, etc., whether they are efficiently kept up Hereditary or for life	Whether free of tax, etc, or liable to quit-rent, *i. e.* jodi, etc., amount of latter to be entered
Where no survey has been made and no assessment fixed by Government, the cess paid by the raiyats to the Inamdar, or the average assessment of similar Government land, should be entered in column 7			
6	7	8	9

1-13-1
raised to
1 ; Rs 21-3-0

For the worship of Baski Deva in this village The Pagoda is in good order and the worship rendered.

Land Rs.
2-5-3
Land kandayam
Rs 1-11-11
4-1-2
Free tax.
1865- 8-1-3
66 8-3-7
67 7-12-0
68. 7-6-2
69 7-1-3
38-9-1
Average 7-11-5

in the District

DOCUMENT IN SUPPORT OF THE INAM

By whom granted and in what year	Written instruments in support of the claim, original sanad, all miscellaneous documents, and other proofs of long possession In this column it should be stated whether the Inam is held with or without grant, whether the grant is produced or lost, etc., and the general specification of terms of all documents produced should be given.
10	11

of Tamkhan

NAME AND RELATIONSHIP OF ORIGINAL GRANTEE AND

Name of original grantee	Name entered in the register prepared by Purmah up to 1810	Name entered in the accounts subsequent to 1810
12	13	14
— o —	1806 Baskdevar Bagayet Do 97 0-2-1½ " 98 0-2-5½ " 105 0-5-6¼ 210 0-3-9½ 0-13-6¾	1844 Baskdevar Bagayet 0-5-0 Beiz. Jodi 0-6-4 0-8-0 1849 Bagayet Do 2 0-3-5½ 20 0-3-3 36 0-4-½ 0-11-4½ 1870 Bagayet Place one 0-5-6 Do 0-3-14 Do 0-4-6

[illegible]

[illegible]

[illegible]

dings of the Government of H. H. the Maharaja of Mysore.

Read:--

Correspondence ending with letter No.22 dated 14th December 1920, from the Deputy Commissioner, Tumkur District, recommending the resumption of inam Survey Nos.52 and 64 alienated from Sri Adeswara Swami temple at Sampige village, Gubbi -- Taluk.

(2) Letter No.220 dated 12th March 1921, from the Inam Superintendent, submitting an extract from the Inam Register, pertaining to the temple inam lands.

Order No. 4534-6 Exec Proceedings
Mur 442-19-6
Dated Bangalore, 22nd June 1921.

	S.No.	A.	G.	Assessment.
(1)	52	0	18	Rs.1-7-0
(2)	64	0	17	Rs.1-3-0

Jodi.
Rs.1-7-0
Rs.1-3-0.

The temple of Sri Adeswara or the Basti Devaru in the Sampige village, Gubbi Taluk, is a muzrai institution endowed with the marginally noted inam lands.

2. One Garudachar is in enjoyment of Survey No.52 and he states that he has been in possession of it since 1886, -- having purchased it ~~in~~ at a Court Sale in execution of a decree obtained by him on a deed executed by one Achamma in 1876, hypothecating this land.

3. The other land, viz., Survey No 64 is stated to be in the possession of - one Thimma Setty who is reported to have ~~said~~ stated that his father had purchased it, but that he did not know when or for what price.

There can be no doubt that this alienation could not have been made before -- 1853, for, had there been any such --- alienation, the alienee would have appeared before the Inam Settlement Officer in 1870 and asserted his claim, but the Inam Register shows that no such claim was advanced. The Devadaya lands which ought to have been in the enjoyment of the temple having been alienated long after 1853, they have to must be resumed under the Chief Commissioner's Notification of 17th November 1877, after the service of a notice under Clause-B of Rule II thereof. Though it will be perfectly justifiable from a strictly ~~xxxxx of~~ legal point of view to resume the lands, Government are yet pleased to direct that the alienees be allowed to be in possession -- thereof as ordinary lessees from year to year, provided they execute an agreement undertaking to give the temple every year such rent as may be fixed by the Deputy Commissioner and provided further that it is distinctly understood that it is open to -- Government to revise the amount of the lease, if need be, at the end of every 5 years.

Secretary to Government,
Muzrai Department.

To

The Deputy Commissioner, Tumkur District, returning the records.

The Comptroller, Mysore Government.

The Muzrai Superintendent in Mysore.

HRR.